

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

“Tracks Seven, Eight, Nine, Ten, and Eleven”

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**JOINT MOTION REGARDING PROPOSED STIPULATED ORDER REGARDING
ANSWERING THE MAY 19, 2021 AMENDED COMPLAINTS IN THE FIVE NEW
PHARMACY BELLWETHER CASES**

Plaintiffs and Pharmacy Defendants jointly move the Court to enter the proposed order attached as Exhibit A. In support of this Motion, the parties state as follows:

1. As set forth in the Case Management Orders for the five new bellwether cases, the Parties met and conferred on a “method of answering, which a defendant may choose to employ, that promotes efficiency and avoids needless duplication [of other answers].” ECF Nos, 3769 & 3817-3820.
2. The parties have reached agreement on the process for answering the May 19, 2021 Amended Complaints in the five new bellwether cases.
3. As set forth in the proposed order, by entering into the stipulated order and by submitting this joint motion, Defendants do not waive any defenses to Plaintiffs’ claims, including any jurisdictional defenses.

(signatures on next page)

Date: August 13, 2021

Respectfully submitted,

/s/ Eric R. Delinsky

Eric R. Delinsky
Alexandra W. Miller
ZUCKERMAN SPAEDER LLP
1800 M Street, NW
Suite 1000
Washington, DC 20036
Phone: (202) 778-1800
E-mail: smiller@zuckerman.com
E-mail: edelinsky@zuckerman.com

*Attorneys for CVS Health Corporation, CVS
Indiana, L.L.C., CVS Rx Services, Inc., CVS
Pharmacy, Inc., CVS TN Distribution,
L.L.C., North Carolina CVS Pharmacy,
L.L.C., CVS Health Solutions, Inc., CVS
Holding, Inc., CVS Orlando FL Distribution
Center, L.L.C., CVS Wellness Rediscovery,
L.L.C., Georgia CVS Pharmacy, L.L.C.,
ProCare Pharmacy, L.L.C., Omnicare, Inc.,
Omnicare Pharmacy of TX 1, LP, and
Omnicare Distribution Center, L.L.C.*

/s/ Kelly A. Moore (consent)

Kelly A. Moore
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178
Phone: (212) 309-6612
E-mail: kelly.moore@morganlewis.com

Elisa P. McEnroe
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Phone: (215) 963-5917
Email: elisa.mcenroe@morganlewis.com

*Attorneys for Rite Aid Hdqtrs. Corp., Rite
Aid of Georgia, Inc., Rite Aid of North
Carolina, Inc., Rite Aid of Maryland, Inc.
d/b/a Rite Aid Mid-Atlantic Customer
Support Center, and Eckerd Corporation*

s/ John M. Majoras (consent)

John M. Majoras
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001
Phone: (202) 879-3939
Email: jmmajoras@jonesday.com

Tina M. Tabacchi
Tara A. Fumerton
JONES DAY
77 West Wacker
Chicago, IL 60601
Phone: (312) 269-4335
E-mail: tmtabacchi@jonesday.com
E-mail: tfumerton@jonesday.com

Attorneys for Walmart Inc.

/s/ Kaspar J. Stoffelmayr (consent)

Kaspar J. Stoffelmayr
Brian C. Swanson
Katherine M. Swift
Sharon Desh
Sten A. Jernudd
BARTLIT BECK LLP
54 West Hubbard Street
Chicago, Illinois 60654
Phone: (312) 494-4400
E-mail: kaspar.stoffelmayr@bartlitbeck.com
E-mail: brian.swanson@bartlitbeck.com
E-mail: kate.swift@bartlitbeck.com
E-mail: sharon.desh@bartlitbeck.com
E-mail: sten.jernudd@bartlitbeck.com

Alex J. Harris
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, Colorado 80202
Phone: (303) 592-3100
E-mail: alex.harris@bartlitbeck.com

*Attorneys for Walgreens Boots Alliance,
Inc., Walgreen Co. and Walgreen Eastern
Co., Inc.*

/s/ Francis A. Citera (consent)

Francis A. Citera
Gretchen N. Miller
Greenberg Traurig, LLP
77 W. Wacker Drive, Suite 3100
Chicago, IL 60601
Tel: (312) 456-8400
Fax: (312) 456-8435
citeraf@gtlaw.com
millerg@gtlaw.com

*Counsel for Albertsons Companies, Inc.,
Albertsons LLC, Safeway, Inc., United
Supermarkets, LLC
and Randall's Food and Drug, LP*

/s/Gregory S. Chernack (consent)

Gregory S. Chernack
Kathryn Sacco Jensen
Hollingsworth LLP
1350 I Street, NW
Washington, DC 20005
(202) 898-5800

Counsel for Publix Super Market, Inc.

s/ Ronda L. Harvey (consent)

Ronda L. Harvey Esq. (WVSB 6326)
Fazal A. Shere, Esq. (WVSB 5433)
Ashley H. Odell, Esq. (WVSB 9380)
Aaron C. Boone, Esq. (WVSB 9479)
BOWLES RICE LLP
600 Quarrier Street
Charleston, West Virginia 25301
304-347-1100
rharvey@bowlesrice.com
fshere@bowlesrice.com
ahardestyodell@bowlesrice.com
aboone@bowlesrice.com

*Counsel for Defendants The Kroger Co.,
Kroger Limited Partnership I,
Kroger Limited Partnership II,
Kroger Texas LP,
Smith's Food & Drug Centers, Inc., and
Harris Teeter, LLC*

/s/ Joseph M. Vanek (consent)

Joseph M. Vanek, jvanek@sperling-law.com

Greg Shinall, shinall@sperling-law.com

David P. Germaine, dgermaine@sperling-law.com

Trevor K. Scheetz, tscheetz@sperling-law.com

Sperling & Slater, P.C.

55 West Monroe, Suite 3200

Chicago, Illinois 60603

(312) 641-3200 (p)

(312) 641-6492 (f)

*Counsel for Meijer, Inc., Meijer
Distribution, Inc., and Meijer Stores Limited
Partnership*

/s/Jayne Conroy (consent)

Jayne Conroy
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016 (212) 784-6400
(212) 213-5949 (fax)
jconroy@simmonsfirm.com

Joseph F. Rice
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464 (843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.
FARRELL & FULLER LLC
1311 Ponce de Leone Ave., Suite 202
San Juan, PR 00907
(304)654-8281
paul@farrellfuller.com

Plaintiffs' Co-Lead Counsel

/s/Peter H. Weinberger (consent)

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114 (216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

THE LANIER LAW FIRM

By: /s/ W. Mark Lanier (consent)

W. Mark Lanier
TX State Bar No. 11934600
10940 W. Sam Houston Parkway N.
Houston, TX 77064
Tel: 713-659-5200
Fax: 713-659-2204
wml@lanierlawfirm.com

Counsel for Plaintiff Tarrant County

SIMMONS HANLY CONROY LLC

By: /s/ Jayne Conroy (consent)

Jayne Conroy
112 Madison Avenue, 7th Floor
New York, NY 10016
Ph: 212-784-6400
Fax: 212-213-5949

*Counsel for Plaintiffs Cobb County and
Santa Fe County*

/s/ Michael J. Fuller, Jr. (consent)

Michael J. Fuller, Jr.
Paul T. Farrell, Jr.
FARRELL & FULLER, LLC
1311 Ponce de Leon Ave., Suite 202
San Juan, Puerto Rico 00907
Tel: 939-293-8244
mike@farrellfuller.com
paul@farrellfuller.com

Counsel for Plaintiff Durham County

By: /s/ Lisa Saltzburg
Lisa Saltzburg

MOTLEY RICE, LLC

Linda Singer
Elizabeth Smith
Motley Rice LLC
401 9th Street NW
Suite 1001
Washington, DC 20004
(202) 386-9626
lsinger@motleyrice.com
esmith@motleyrice.com

Michael Elsner
Lisa Saltzburg
Motley Rice LLC
28 Bridgeside Blvd.
Mount Pleasant, South Carolina 29464
(843) 216-9000
melsner@motleyrice.com
lsaltzburg@motleyrice.com

Mathias H. Heck, Jr.
Montgomery County Prosecuting Attorney
301 West Third Street
P.O. Box 972
Dayton, Ohio 45422
Telephone: (937) 225-5599
Fax Number: (937) 225-4822
E-mail: heckm@mcOhio.org

Ward C. Barrentine
Chief Assistant Prosecuting Attorney - Civil
Division
Montgomery County Prosecutor's Office
301 West Third Street
4th Floor, Suite 461
Dayton, Ohio 45422
Telephone: (937) 496-7797
E-mail: BarrentinW@mcOhio.org

Counsel for Plaintiff Montgomery County

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on August 13, 2021.

/s/ Eric R. Delinsky

Eric R. Delinsky